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**From:**

**Sent:** Wednesday, December 30, 2009 10:44:16 AM

**To:**

**Cc:**

**Subject:** RE: Case name?

There is no case standing for that proposition.

But Kligfeld and G-5 Holdings stand for the proposition that we can issue an FPAA for year 1 (closed) because it results in the assessment of the partners in their open

Years 2 and 3 (NOL carryforward to an open year and sale of distributed stock with carryover basis in later open year).